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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/761,982
	Filing Date	January 21, 2004
	First Named Inventor	BOURGET et al.
	Art Unit	1626
	Examiner Name	STOCKTON, Laura Lynne
	Attorney Docket Number	ST01021 US CNT
Total Number of Pages in This Submission		3

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD  <div style="border: 1px solid black; padding: 2px;">Remarks</div>	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">         Response to Office Communication of January 10, 2005, and Supplemental Response to Restriction Requirement under 35 U.S.C. 1.21 and Provisional Election       </div>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	AVENTIS PHARMACEUTICALS INC.		
Signature	<i>Lawrence L. Martin</i>		
Printed name	Lawrence L. Martin		
Date	January 18, 2005	Reg. No.	46,902

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: (USPTO FAX NO. 703-872-9306; Total No. of Pages Transmitted: 3)			
Signature	<i>Bonnie Stein</i>		
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JAN 18 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

**Bourget et al.**

Examiner: Laura Stockton

Art Unit: 1626

Application No.: 10/761,982

Filed: 1/21/2004

Title: **Indazole or indole derivatives, and use thereof in human medicine and more particularly in oncology****TELEFAX CERTIFICATE**

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January 18, 2005

Date of Transmission

Bonnie Stein  
Signature

**Response to Office Communication of January 10, 2005, and**  
**Supplemental Response to Restriction Requirement under 35**  
**U.S.C. § 121 and Provisional Election of Invention under 37**  
**C.F.R. 1.143.**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Communication dated January 10, 2005, having a response due by February 10, 2005, in the above-identified patent application. It is respectfully requested that the following provisional election and remarks be entered in this case.

**PROVISIONAL ELECTION OF INVENTION UNDER 37 C.F.R. 1.143:**

Applicants provisionally elect with traverse the invention Group IV, claims 1-22 and 35, drawn to products of formula (1) or formula (2) wherein X and Y are each N; and the Ar attached to the fused cyclohexenyl ring in the formulas is a phenyl, classified in class 548, subclass 356.1+. A compound falling within the scope of the elected specie is isopropyl 6,6-diphenyl-6,7-dihydro-2H-indazole-3-carboxylate, the preparation of which is disclosed as Example 2-1, page 19, of the specification and the compound is specifically claimed in claim 6.